

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated July 7, 2009 has been received and its contents carefully reviewed.

Claims 1, 5, 10, 12, and 13 are amended. Claims 2-4 are canceled without prejudice or disclaimer. No new matter has been added. Accordingly, claims 1 and 5-30 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested in view of the remarks below.

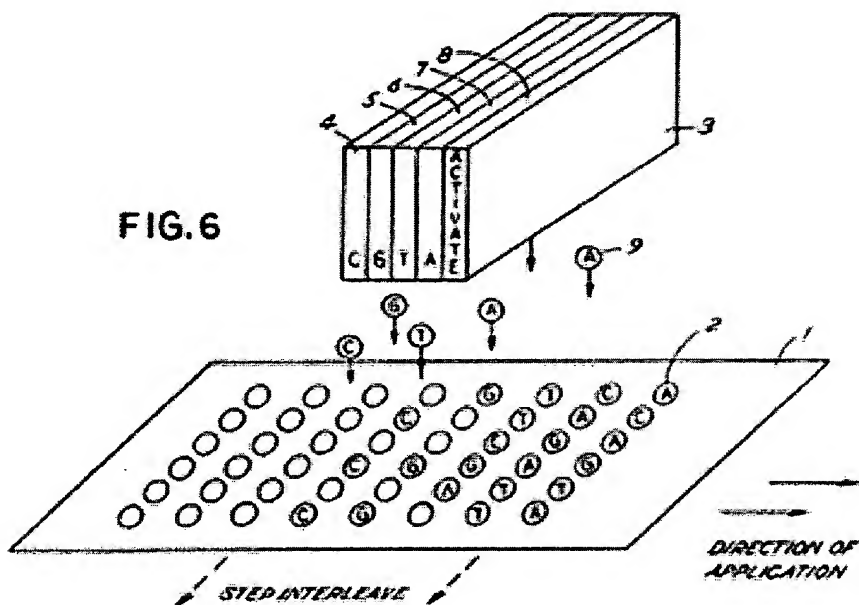
The Office Action rejects claims 1-10, 12-17, 19-21, 25, 26, and 28 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,474,796 to Brennan (*Brennan*) in view U.S. Patent Application Publication No. 2002/0094528 to Salafsky (*Salafsky*). Claims 2-4 are cancelled, so the rejection of these claims is moot. Applicants respectfully traverse the rejection of claims 1, 5-10, 12-17, 19-21, 25, 26, and 28.

In order to establish *prima facie* obviousness of the claimed invention, all the elements of the claims must be taught or suggested by the prior art. The combined teaching of *Brennan* and *Salafsky* does not teach or suggest every element of claims 1, 5-10, 12-17, 19-21, 25, 26, and 28, and thus, cannot render these claims obvious.

Claim 1 recites, “the at least one working area being an area that is non-wetting with respect to the liquid of interest.” *Brennan* fails to teach at least this element of claim 1. The Office Action states that “the area or any sub-area formed on the hydroxysiloxane is equivalent to the claimed working area.” *Office Action*, pages 6-7. The Office Action also admits that hydroxysiloxane “is complete wet by acetonitrile [the solvent or liquid of interest used in *Brennan*].” *Office Action*, page 5. Therefore, “the area or any sub-area formed on the hydroxysiloxane” in *Brennan* is wetting to the liquid of interest (acetonitrile), thus not equivalent to the working area of claim 1.

Furthermore, claim 1 also recites, “at least one uptake area having an open or closed ring shape that encircles the at least one working area arranged therewith.” *Brennan* also fails to teach at least this element of claim 1. The Office Action states that “the uptake area (with hydroxysiloxane) has a ring shape (see e.g., figure 6) it includes, encircles, a working area (a

sub-area within the hydroxylsiloxane).” *Office Action*, page 7. Applicants respectfully disagree. Figure 6 (reproduced below) shows the “use of a piezoelectric impulse jet head to deliver blocked nucleotides and activating agents to individual dots on an array plate.” *Brennan*, column 3, lines 62-65, emphasis added. The array plate does not include “an open or closed ring shape” area, as required by claim 1.



Salafsky does not cure the deficiency of *Brennan*. The Office Action only cites *Salafsky* for disclosing “providing different probes, the same probes, or some combination thereof, on a substrate.” *Office Action*, page 5. *Salafsky* is also silent with respect to the above-recited elements of claim 1.

Accordingly, claim 1 is allowable over the combined teaching of *Brennan* and *Salafsky*. Claims 5-10, 12-17, 19-21, 25, 26, and 28 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-10, 12-17, 19-21, 25, 26, and 28.

The Office Action rejects claims 1, 11, 27, 29, and 30 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,810,989 to Krihak et al. (*Krihak*) in view of *Brennan*, and further in view of *Salafsky*. Applicants respectfully traverse the rejection.

As discussed, the combined teaching of *Brennan* and *Salafsky* fails to teach or suggest the above-recited elements of claim 1. *Krihak* does not cure the deficiency of *Brennan* and *Salafsky*. The Office Action only cites *Krihak* for disclosing “electropolymerization of oligonucleotide modified pyrrole in an array pattern on support structure.” *Office Action*, page 10. *Krihak* is also silent with respect to the above-recited elements of claim 1.

Accordingly, claim 1 is allowable over the combined teaching of *Brennan*, *Salafsky*, and *Krihak*. Claims 11, 27, 29, and 30 variously depend from claim 1, and are also allowable for at least the same reasons as claim 1. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 1, 11, 27, 29, and 30.

The Office Action rejects claim 18 under 35 U.S.C. §103(a) as being unpatentable over *Krihak* in view of *Brennan* and *Salafsky*, and further in view of U.S. Patent No. 6,911,132 to Pamula et al. (*Pamula*). Applicants respectfully traverse the rejection.

Claim 18 indirectly depends from claim 1, and incorporates all the elements of claim 1. As discussed, the combined teaching of *Brennan*, *Salafsky*, and *Krihak* fails to teach or suggest the above-recited elements of claim 1. *Pamula* does not cure the deficiency of *Brennan*, *Salafsky*, and *Krihak*. The Office Action only cites *Pamula* for disclosing “electrowetting to manipulation a drop of liquid.” *Office Action*, page 14.

Accordingly, claim 1 and its dependent claim 18 are allowable over the combined teaching of *Brennan*, *Salafsky*, *Krihak*, and *Pamula*. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 18.

The Office Action rejects claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over *Brennan* in view of *Salafsky*, and further in view of U.S. Patent No. 7,008,788 to Schremp et al. (*Schremp*). Applicants respectfully traverse the rejection.

Claims 22 and 23 depend from claim 1, and incorporate all the elements of claim 1. As discussed, the combined teaching of *Brennan* and *Salafsky* fails to teach or suggest the above-recited elements of claim 1. *Schremp* does not cure the deficiency of *Brennan* and *Salafsky*. The Office Action only cites *Schremp* for disclosing “that buffer solution may be introduced by

means of, for example, manual pipette, syringe and needle, delivery and aspiration nozzles of a dispensing apparatus, and the like.” *Office Action*, page 15.

Accordingly, claim 1 and its dependent claims 22 and 23 are allowable over the combined teaching of *Brennan*, *Salafsky*, and *Schremp*. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 22 and 23.

The Office Action rejects claim 24 under 35 U.S.C. §103(a) as being unpatentable over *Brennan* in view of *Salafsky* and *Schremp* and further in view of U.S. Patent No. 5,458,852 to Buechler (*Buechler*). Applicants respectfully traverse the rejection.

Claim 24 indirectly depends from claim 1, and incorporates all the elements of claim 1. As discussed, the combined teaching of *Brennan*, *Salafsky*, and *Schremp* fails to teach or suggest the above-recited elements of claim 1. *Buechler* does not cure the deficiency of *Brennan*, *Salafsky*, and *Schremp*. The Office Action only cites *Buechler* for disclosing “use of the same material to wash a surface.” *Office Action*, page 16.

Accordingly, claim 1 and its dependent claim 24 are allowable over the combined teaching of *Brennan*, *Salafsky*, *Schremp*, and *Buechler*. Applicants, therefore, respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 24.

The application is in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: December 7, 2009

Respectfully submitted,

By 

Matthew T. Bailey

Registration No.: 33,829

McKENNA LONG & ALDRIDGE LLP

1900 K Street, N.W.

Washington, DC 20006

(202) 496-7500

Attorneys for Applicant